

FILED
Clerk
District Court

APR 18 2006

For The Northern Mariana Islands
By _____
(Deputy Clerk)

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Attorneys for Defendant
Maeda Pacific Corporation

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

TOSHIHIRO TAKAHASHI,

Plaintiff,

vs.

MAEDA PACIFIC CORPORATION,

Defendant.

CIVIL ACTION NO. CV 05-0026

DEPOSITION WITNESS SUBPOENA

TO: DEXTER MACARANAS

YOU ARE HEREBY COMMANDED to appear at the Carlsmith Ball LLP, Carlsmith Building, Capitol Hill, Saipan CNMI on April 28, 2006 at 10:30 a.m. to testify at the taking of a deposition in the above-entitled action pending in the United States District Court of the northern Mariana Islands.

Pursuant to Rule 45(a)(1)(D) of the Federal Rules of Civil Procedure, the text of Rule 45 (c) and (d) state as follows:

(c) Protection Of Persons Subject To Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and

1 impose upon the party or attorney in breach of this duty an appropriate sanction, which may
2 include, but is not limited to, lost earnings and a reasonable attorney's fee.

3 **(2)(A)** A person commanded to produce and permit inspection and copying of designated
4 books, papers, documents or tangible things, or inspection of premises need not appear in person
5 at the place of production or inspection unless commanded to appear for deposition, hearing or
6 trial.

7 **(B)** Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit
8 inspection and copying may, within 14 days after service of the subpoena or before the time
9 specified for compliance if such time is less than 14 days after service, serve upon the party or
10 attorney designated in the subpoena written objection to inspection or copying of any or all of the
11 designated materials or of the premises. If objection is made, the party serving the subpoena shall
12 not be entitled to inspect and copy the materials or inspect the premises except pursuant to an
13 order of the court by which the subpoena was issued. If objection has been made, the party
14 serving the subpoena may, upon notice to the person commanded to produce, move at any time
15 for an order to compel the production. Such an order to compel production shall protect any
16 person who is not a party or an officer of a party from significant expense resulting from the
17 inspection and copying commanded.

18 **(3)(A)** On timely motion, the court by which a subpoena was issued shall quash or
19 modify the subpoena if it:

20 **(i)** fails to allow reasonable time for compliance;

21 **(ii)** requires a person who is not a party or an officer of a party to travel to a place more
22 than 100 miles from the place where that person resides, is employed or regularly transacts
23 business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such
24 a person may in order to attend trial be commanded to travel from any such place within the state
25 in which the trial is held, or

26 **(iii)** require disclosure of privileged or other protected matter and no exception or
27 waiver applies, or

28 **(iv)** Subjects a person to undue burden.

1 (B) If a subpoena

2 (i) requires disclosure of a trade secret or other confidential research, development,
3 or commercial information, or

4 (ii) requires disclosure of an unretained expert's opinion or information not
5 describing specific events or occurrences in dispute and resulting from the expert's study made
6 not at the request of any party, or

7 (iii) requires a person who is not a party or an officer of a party to incur substantial
8 expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to
9 or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the
10 subpoena is issued shows a substantial need for the testimony or material that cannot be
11 otherwise met without undue hardship and assures that the person to whom the subpoena is
12 addressed will be reasonably compensated, the court may order appearance or production only
13 upon specified conditions.

14 (d) Duties In Responding To Subpoena.

15 (1) A person responding to a subpoena to produce documents shall produce them as they
16 are kept in the usual course of business or shall organize and label them to correspond with the
17 categories in the demand.

18 (2) When information subject to a subpoena is withheld on a claim that it is privileged or
19 subject to protection as trial preparation materials, the claim shall be made expressly and shall be
20 supported by a description of the nature of the documents, communications, or things not
21 produce that is sufficient to enable the demanding party to contest the claim.

22 This Subpoena is issued upon the application of the Defendant Maeda Pacific
23 Corporation.

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26 DATED: APR 18 2006

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Deputy CLERK OF COURT